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858 792-6773 FOLEY AND LARDNER

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NO. 0537 P. 1

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From : Stacy L. Taylor

Date : March 14, 2003

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OFFICE OF PETITIONS

### MESSAGE:

Applicant: Prussak, et al.

Title: NOVEL CHIMERIC TNF LIGANDS

Appl. No.: 10/006,305

Filing Date: 12/06/2001

Examiner: Unknown

Art Unit: 1743

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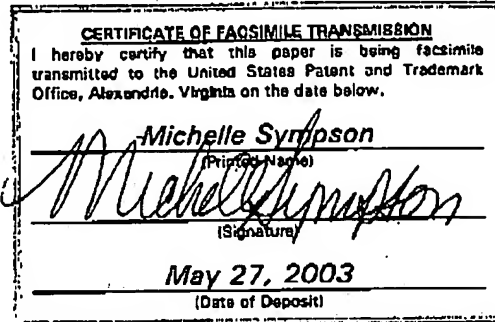
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Atty. Dkt. No. 041673-2092

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Prussak, et al.  
Title: NOVEL CHIMERIC TNF LIGANDS  
Appl. No.: 10/006,305  
Filing Date: 12/06/2001  
Examiner: Unknown  
Art Unit: 1743



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**GROUP 1700**

Commissioner for Patents  
Mail Stop Petitions  
Alexandria, VA 22313-1450

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Sir:

OFFICE OF PETITIONS

Transmitted herewith for the above-identified application please find:

1. Petition for Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), including fee of \$650.00.
2. Request to Rescind Previous Non-Publication Request Under 37 U.S.C. 22(b)(2)(B)(ii).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed

Atty. Dkt. No. 041673-2092

herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 5-27-03

By Stacy L. Taylor

FOLEY & LARDNER  
Customer Number: 30542



30542

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6720

Facsimile: (858) 792-6773

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842

Atty. Dkt. No. 041673-2092

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED**

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Applicant: Prussak, et al.  
Title: NOVEL CHIMERIC TNF LIGANDS  
Appl. No.: 10/006,305  
Filing Date: 12/06/2001  
Examiner: Unknown  
Art Unit: 1743

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>Michelle Simpson</u> (Printed Name)  <u>Michelle Simpson</u> (Signature)  <u>May 27, 2003</u> (Date of Deposit)
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**PETITION FOR REVIVAL OF APPLICATION FOR PATENT**  
**ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents  
Mail Stop Petition  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for inadvertent failure to timely file a Request to Rescind Previous Non-Publication Request within 45 days of filing this application in the PCT (PCT/US02/39245, filed December 5, 2002). The Request to Rescind Previous Non-Publication Request is enclosed herewith.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

1. Required reply and/or fee;
2. Petition fee (37 C.F.R. § 1.17(m));
3. Statement that the abandonment was unintentional; and
4. Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

Atty. Dkt. No. 041673-2092

1. Required reply and/or fee.

Request to Rescind Previous Non-Publication Request is enclosed herewith.

2. Petition fee (37 C.F.R. § 1.17(m))

Please charge Deposit Account No. 50-0872 in the amount of \$650.00, stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition. A duplicate copy of this paper is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

3. Statement that the abandonment was unintentional.

Applicants hereby state that the entire delay in filing the required Request to Rescind Previous Non-Publication Request, until the filing of this petition, was unintentional.

Atty. Dkt. No. 041673-2092

## 4. Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date

5-27-03

By

Stacy L. Taylor

FOLEY &amp; LARDNER

Customer Number: 30542



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PATENT TRADEMARK OFFICE

Telephone: (858) 847-6720

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Stacy L. Taylor

Attorney for Applicant

Registration No. 34,842

Atty. Dkt. No. 041673-2092 RECEIVED

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

Applicant: Prussak, et al.  
Title: NOVEL CHIMERIC TNF LIGANDS  
Appl. No.: 10/006,305  
Filing Date: 12/06/2001  
Examiner: Unknown  
Art Unit: 1743

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>Michelle Simpson</u> (Printed Name)  <i>Michelle Simpson</i> (Signature)  <u>May 27, 2003</u> (Date of Deposit)
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REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST35 U.S.C. 122(b)(2)(B)

Mail Stop PGPUB  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby rescind the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

Applicant furthermore hereby provides the notice to the Patent Office required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 C.F.R. 1.213(c) that an application directed to the invention disclosed in the above-identified application was submitted in another country.

Atty. Dkt. No. 041673-2092

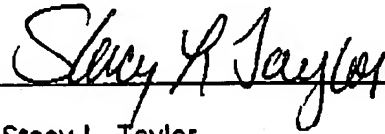
or under a multilateral international agreement, that requires publication of applications eighteen months after filing. This notice is being provided more than forty-five days after the date of the filing of such foreign or international application, but together with a Petition to Revive the Application submitted on this same date.

Respectfully submitted,

Date

5-27-03

By



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Customer Number: 30542



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